

DRAFT 6/27/08

**2008 PROPOSED
RULES AND REGULATIONS
FOR
LICENSED CHILD CARE FACILITIES**

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**RULES AND REGULATIONS FOR LICENSED
CHILD CARE CENTERS AND GROUP CHILD CARE HOMES**

Title 26 Guam Annotated Regulations

Chapter 1

Article 1

Updated June 27, 2008

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Section 1101.0
GENERAL PROVISIONS

§1101.1 Purpose. The purpose of these rules and regulations is to formulate standards for licensed child care centers and group child care homes that will protect and promote the welfare and positive development of children being served.

§1101.2 Applicability.

(a) These rules and regulations are applicable to the following child care facilities, public and private: 1) Child Care Center and 2) Group Child Care Home

(b) These rules and regulations do not apply to Group Family Home, Family Child Care Home, Family Foster Home, and Residential Treatment Facility.

§1101.3 Authority. The Government Code of Guam authorizes the Department to adopt rules and regulations for licensing all child care facilities, to issue licenses, and to ensure that all provisions of §2407 of Title 10 GCA, Chapter 2, Article 4 (Public Law 11-99) regarding licensing are carried out. The Department may inspect all child care facilities as defined below in §1105.2.

§1101.4 Title. These rules and regulations shall be known and may be cited as the “Rules and Regulations for Licensed Child Care Facilities.”

§1101.5 Definitions. Wherever the following words appear in these rules and regulations, they shall have the following definition:

(a) *APPEAL* means a written, signed and dated statement requesting reconsideration or modification of a Departmental decision that negatively affects the License of the child care facility. An appeal is made by the Licensee or by the facility’s legal entity.

(b) *CHILD* means a person under eighteen (18) years of age or a child with a disability up to twenty-one (21) years of age.

(c) *CHILD CARE CENTER* means a facility which provides child care for twelve (12) or more children during a portion of a twenty-four (24) hour day.

(d) *CHILD CARE FACILITIES* means a facility licensed, by the Department to provide care, education, and supervision for a child for all or part of the twenty-four (24) hour day, whether or not the facility is operated for profit, or charges for the services it offers.

(e) *DEPARTMENT* means the Guam Department of Public Health and Social Services.

(f) *DENIAL* means refusal by the Director to issue a License on an initial or renewal application.

(g) *DIRECTOR* means the Director of Public Health and Social Services or his/her designated representative.

(h) *DIVISION* means the Division of Public Welfare, Department of Public Health and Social Services.

(i) *EARLY CHILDHOOD ASSISTANT DIRECTOR* means a person who assists the Early Childhood Director in the management of a child care facility and/or who has the responsibility to administer the facility and to develop the total program in the absence of the Early Childhood Director.

(j) *EARLY CHILDHOOD DIRECTOR* means a person having responsibility to administer the facility and to develop the total program.

(k) *EARLY CHILDHOOD PROVIDER* means a person employed with compensation and with knowledge, skills, and abilities in early childhood education and is responsible for the physical well-being, direct care, health, safety, supervision, and guidance of children in child care. Education and experience in working with children birth to five differentiate the various levels of Initial, Lead and Master Provider. (refer to Appendix A)

(l) *FULL LICENSE* means a license issued by the Department to a center that has met compliance with the minimum requirements as defined in the licensing laws, rules and regulations for a duration of one (1) calendar year.

(m) *GROUP CHILD CARE HOME* means a home or facility which provides child care for at least seven (7) and not more than twelve (12) children during a portion of a twenty-four (24) hour day.

(n) *GUAM EARLY LEARNING GUIDELINES FOR YOUNG CHILDREN BIRTH TO 36 MONTHS AND AGED THREE TO FIVE* means the voluntary early learning guidelines of what young children birth to five years old should know and be able to do. (Appendix B)

(o) *GUAM'S PLAN FOR PROFESSIONAL DEVELOPMENT* means the early childhood education plan, as required by Executive Order 2004-14 (Appendix C) and part of Guam's Comprehensive Plan for the Care & Education of Young Children. (Appendix A

(p) *INDIVIDUALIZED EDUCATION PLAN* means the document, commonly referred to as an IEP, describing the child's educational program as required by the Guam Public School System, Division of Special Education under the Individuals with Disabilities Education Act (IDEA) to develop for every student with a disability who is found to meet the federal and state requirements for special education, designed to provide the child with a Free and Appropriate Public Education.

(q) *INDIVIDUALIZED FAMILY SERVICE PLAN* means the document, commonly referred to as an IFSP, that identifies the child's and family's individualized supports and services that will enhance the child's overall development; as required by the Guam Public School System, Division of Special Education under the Individuals with Disabilities Education Act (IDEA).

(r) *INDIVIDUALS WITH DISABILITIES EDUCATION ACT* means the United States federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities.

(s) *INFANT* means a child who is birth thru 12 months of age.

(t) *LICENSE TO OPERATE A CHILD CARE FACILITY* (hereafter referred to as "License") means the official document issued by the Department authorizing the operation of a child care facility as defined under the terms of the License.

(u) *LICENSEE* means any entity that is issued a License by the Department.

(v) *PRACTICUM STUDENT* means any person officially enrolled in any higher education institution as a student in education, nursing, psychology, social work or related fields with approved practicum under supervision by an instructor and who adheres to a child care center's policies and procedures.

(w) *PRESCHOOLER* means a child who is 3 years to 5 years of age.

(x) *PROVISIONAL LICENSE* means a temporary license issued by the Department at the time of new application or renewal when the center does not meet all licensing laws, rules and regulations for a duration not to exceed six (6) months unless determined by the Director.

(y) *REVOCATION* means immediate retraction of a Full License when the center

exhibits a pattern of non-compliance or an imminent concern arises that jeopardizes the well-being of children.

(z) *SCHOOL AGE* means a child who is between the ages of 5 years and 12 years.

(aa) *STAFF MEMBERS* means any person that is employed for compensation or otherwise by the child care facility and is on the premises while children are provided care. This includes, but is not limited to: Early Childhood Director, Early Childhood Assistant Director, Teachers, Early childhood providers, Nurses, Teachers' Aides, Cooks, Maintenance Personnel.

(bb) *SUSPENSION* means the deferment of a full license for an issue of non-compliance that may be temporary.

(cc) *TODDLER* means a child who is 13 months thru 36 months of age.

(dd) *VISITOR* means a person providing brief, temporary services to a child care facility, without compensation, and who follows the center's policies and procedures including child privacy rights and who is under supervision by early childhood director, early childhood assistant director or designated staff.

(ee) *VOLUNTEER* means a person offering services to a child care facility without remuneration, except for a reimbursable personal expenses allowed by the early childhood providers.

Section 1102.0

LICENSE

§1102.1 License Required.

(a) Any person, association, corporation, or partnership shall first obtain a License from the Department to operate a child care facility, providing services either with or without compensation.

(b) Any person, association, corporation, or partnership found to be operating or conducting a child care facility without a License shall be found in violation of these rules and regulations and must cease operations immediately until compliance is met.

(c) Before a License is granted, the applicant must certify its compliance with local officials according to all applicable health, safety, fire, building, and sanitation regulations using

a Certificate of Compliance Form provided by the Department.

§1102.2 Exclusions.

(a) No License is required for the following:

(1) For the care by a relative, with or without compensation, where the person furnishing such care does not regularly engage in such activity and does not advertise or hold him/herself out as conducting a child care facility;

(2) For the care by parents who, on a mutually cooperative basis, exchange one another's children;

(3) For the care of children in their own home;

(4) For the care of children in a hospital or clinic;

(5) For the care of children in the following educational-type facilities:

(A) An accredited public or private educational institution that operates primarily for educational purposes for those children grades kindergarten through twelfth (12th) grade; In the event such accreditation does not include early childhood classrooms for those children below kindergarten (i.e. birth to five years), then the educational institution must comply with these rules and regulations and will fall under the jurisdiction of these rules and regulations;

(B) A preschool classroom that is regulated by the Guam Public School System or the Administration for Children and Families that adhere to federal guidelines and/or mandates, such as the Head Start Performance Standards.

(C) An after-school program operated directly by an accredited public or private educational facility; or

(D) An after-school program operated by another entity under contract with the educational facility and the curriculum content of the after-school program is approved by the Guam Public School System;

(6) For the temporary care of children in facilities operating in a shopping center, fitness center, hotel, or establishments during any part of a twenty-four (24) hour day while parents or persons responsible for the children are attending services or engaging in other activities who remain and are on the premises and care is not on a regular basis;

(7) For the temporary care of children during any part of a twenty-four (24) hour day while parents remain and are on the premises participating in religious functions and care is not on a regular basis; and

(8) For camps held on a seasonal basis where children are in temporary care during any part of a twenty-four (24) hour day and care is not on a regular basis.

(9) For the care of children in child care facilities regulated by the U.S. Department of Defense. (i.e. Military Child Care Facilities)

(b) The exclusions of this section does not affect the authority of state and federal governments to inspect any child care facilities and/or homes for compliance.

(c) Child care facilities that meet the criteria for exclusions as stated in §1102.2 shall provide the Department with documentation, such as the most current monitoring report, assuring that their facility has passed inspection and/or requirements by their respective accrediting institution or regulatory agency.

Section 1103.0

LICENSE TO OPERATE A CHILD CARE FACILITY

§1103.1 Application for License.

(a) The application to obtain a License or Renewal License shall be made on forms approved and supplied by the Department and shall be completed and submitted within a minimum of sixty (60) business days prior to the proposed opening date or date of expiration of License.

(b) The application packet shall include, but is not limited to the following:

(1) Application Form;

(2) Current Copy of the “Rules and Regulations for Licensed Child Care Centers, Group Child Care Homes, and Group Family Homes”;

(3) Copy of applicable child care laws (i.e. Title 10 Guam Code Annotated, Chapter 2, Article 4 – Child Welfare Services Act);

(4) Staffing Pattern Form;

(5) Physician Certification Form;

- 1 (6) Documentation, to include Police and Court Clearances for each staff member in
2 the child care facility and a Signed Consent of Release Form for the Department
3 to conduct checks in local and national registries to include, but not limited to:
4 Child Protection Services Registry, Child Abuse and Neglect Registry, Sex
5 Offender Registry, and any other National Background Checks as deemed
6 necessary by the Department to ensure the staffs' or prospective staff's capacity to
7 provide safe and constructive child care.
- 8 (7) Three (3) separate Character Reference letters (for Early Childhood Directors);
9 and
- 10 (8) Certification of Compliance Form.
- 11 (b) The applicant shall provide and submit documents, not limited to the following:
- 12 (1) Early Childhood Education Transcripts (for the Early Childhood Director and
13 Assistant Director);
- 14 (2) Verification of early childhood training for staff (i.e. training certificates,
15 transcripts)
- 16 (3) A copy of the child care facility's policies and procedures;
- 17 (4) A copy of the floor plan of the child care facility;
- 18 (5) A copy of the parent's handbook;
- 19 (6) Resume for the Early Childhood Director and Assistant Director;
- 20 (7) Pediatric Cardio Pulmonary Resuscitation (CPR) and Pediatric First Aid
21 Certificates;
- 22 (8) A copy of each staff member's Health Certificates (issued by the Division of
23 Environmental Health of this Department);
- 24 (9) A copy of the Job-Site Inspection report issued by the Division of
25 Environmental Health of this Department;
- 26 (10) A copy of the Sanitary Permit(s) for the child care facility upon issuance by the
27 Division of Environmental Health of this Department; and
- 28 (11) Copy of immunization records for children enrolled;
- 29 (c) At no time shall an incomplete application package (for new, renewal,
30 amendment, or duplicate Licenses) be received by any staff of the Department.
- 31 (d) Applicants shall seek and comply with required applicable rules and regulations

1 concerning fire, building, sanitation and zoning provided by the appropriate personnel from the
2 Department's Division of Environmental Health, the Guam Fire Department, Department of
3 Public Works, the Department of Land Management, and the Department of Revenue and
4 Taxation.

5 (e) Applicants shall maintain accurate records of all information and documents
6 submitted to the Department which shall be readily available to the Department's inspector upon
7 request during inspection.

8 (f) New applicants shall be responsible for ensuring that all documents and
9 compliance reports, in addition to the application packet described in §1103.1, are submitted to
10 the Department no later than 60 business days prior to the proposed opening date of the child
11 care facility.

12 (g) The Department shall provide reminder notices to the Licensee at least four (4)
13 months prior to expiration of the License.

14 (h) Renewal applicants shall submit all documents and compliance reports no less
15 than sixty (60) business days prior to the expiration of the License. Failure to do so shall result
16 in non-renewal of license and closure of operation.

17 (i) The Department shall conduct a licensing evaluation only after receiving a
18 completed application and all required documents and reports to allow sufficient time of 30 days
19 for the licensing worker to conduct inspections and reviews and complete a written report.

20 **§1103.2 Issuance of License.**

21 (a) Upon completion of examination and satisfaction that the Licensee and the child
22 care facility has reasonably met all qualifications and standards prescribed for the specific
23 category of child care facility, the Department shall issue a License.

24 (b) The License shall clearly state:

- 25 (1) The business name of the child care facility;
- 26 (2) The name(s) of the owner(s);
- 27 (3) The type of License issued;
- 28 (4) The category of the child care facility;
- 29 (5) The mailing address and physical location of the child care facility;
- 30 (6) The age of children to be served;
- 31 (7) The capacity of the child care facility;

(7) The issuance and expiration date of the License;

(8) The License number; and

(9) Other conditions or limitations, as deemed necessary by the Department for the License.

(c) The License is non-transferable and shall be valid only with respect to the person, place, and physical location specified. It shall also be subject to review when there is a significant change in operating policies that affects the health, safety, and care of children and any changes in §1103.2 (b) above.

(d) The Department shall issue the following types of License:

(1) **Full License.** A Full License shall be issued to a facility which is found to be in conformity with child care rules and regulations.

(2) **Provisional License.** A Provisional License shall be issued to a newly established or existing child care facility when the center does not meet all licensing laws, rules and regulations. The center must conform to the requirements on or before six (6) months for a Full License to be issued. At no time shall a Provisional License be extended or issued for more than six (6) months unless approved and extended by the Director. In the event that the conditions are not met by the expiration date of the Provisional License, the operations of the child care facility shall cease immediately.

§1103.3 Effective Date of License.

(a) The effective date for a License shall be as follows:

(1) **Full License.**

(A) A Full License shall expire no later than one (1) year after the date of issuance.

(B) When a Full License is issued after a Provisional License, the expiration date of the Full License shall be one (1) year from the issuance date of the Provisional.

(C) The Full License shall be renewed only upon satisfactorily meeting the requirements for application and the Department's approval.

(2) **Provisional License.**

The expiration date for Provisional License may vary as determined by the

Director based on a reasonable time for compliance with these rules and regulations, and shall not exceed more than six (6) months from the date of issuance, unless otherwise approved by the Director as previously stated in §1103.2 (d)(2).

Section §1104.0
REQUIREMENTS FOR LICENSE

§1104.1 Changes to Operation of the Child Care Facility.

(a) The Licensee must notify the Division in writing within twenty-four (24) hours or by the next working day, whichever comes first, of any significant changes in the operation of the child care facility, including services and staffing that directly or indirectly affects the operation of the program. No changes shall be made unless approved by the Division and all requirements for changes have been met as determined by the Department. If change affects continued operation of the child care facility, then necessary corrective action must be completed within thirty (30) calendar days or sooner as determined by the Director. Significant changes include, but are not limited to, the following: Relocation, Renovation to Existing Structure, Increase/Decrease in Child Capacity, Changes in Staffing Pattern, Changes in Policies and Procedures, Changes in Ownership, and Changes in the Name of Business Operation. Such changes shall be taken into consideration at the discretion of the Department to determine status of the License for continued or discontinued operation of services upon meeting requirements and qualifications in accordance to licensing rules and regulations as deemed necessary.

§1104.2 Advertising.

(a) A child care facility licensed by the Department may publish advertisements of the services for which it is specifically licensed. All advertisements shall include the child care facility's license number.

(b) All child care facilities that are required to be licensed and have failed to do so are prohibited from advertising such services.

§1104.3 Displaying License. The License shall be prominently displayed at the child care

1 facility in a prominent and conspicuous location as designated by the Director or the Director's
2 authorized representative to be viewed by the public at all times.

3
4
5 **Section 1105.0**
6 **INSPECTIONS**
7

8 **§1105.1 Right of Entry, Inspection, and Investigation.**

9 (a) In exercising its authority to license child care facilities, the Department's
10 designated personnel shall have the right of entry, inspection and investigation.

11 (b) The Department shall review the qualifications of all staff members, review
12 written policies and program provisions, and conduct inspections of the child care facility.

13 (c) In the event of a complaint or reason to believe that an unlicensed child care
14 facility operation is being conducted, authorized representatives shall have the right to enter
15 private property to verify and substantiate the allegations. The Guam Police Department shall
16 render assistance to the Department in these cases.

17 (d) Representatives of the Department shall be authorized to visit a child care facility
18 at any time during the hours of child care operation for purposes of observing, monitoring and
19 inspecting the facilities, activities, staffing and other aspects of the child care facility.

20 (e) The Licensee shall cooperate with the Department by providing access to its
21 facilities, records, staff, and children in care. Failure to comply with reasonable requests may
22 constitute grounds for denial, suspension or revocation of the License.
23

24 **§1105.2 Inspection Frequency.** An inspection of a child care facility shall be conducted
25 at least once every three (3) months. Additional inspections shall be conducted as often as
26 necessary for the enforcement of these rules and regulations.
27

28 **§1105.3 Report of Inspections.**

29 (a) Whenever an inspection of a child care facility is made, the findings shall be
30 recorded on a preliminary inspection report form as approved by the Director. The preliminary
31 inspection report form shall summarize the requirements of these rules and regulations.

Inspection remarks shall be written to reference, by section number, the section violated and shall state the correction to be made.

(b) The preliminary inspection report form shall be used by the Department to prepare the final report of the inspection findings. A copy of the final inspection report shall be furnished to the person in charge of the child care facility within fourteen (14) business days of actual inspection date.

(c) The final inspection report is a public document that shall be made available for public disclosure to any person who requests it according to law.

§1105.4 Posting. Copies of the most current inspection report shall be posted adjacent to the License in a prominent and conspicuous location as designated by the Director or the Director's authorized representative to be viewed by the public at all times.

Section 1106.0

LICENSE FEE

§1106.1 License Fees. The Department shall charge non-refundable fees as prescribed by the Department for the following:

- (a) Full License
- (b) Initial Application
- (c) New License
- (d) Renewal License
- (e) Duplicate License
- (f) Amendments
- (g) Provisional License
- (h) Late Processing
- (i) Expedited Processing
- (j) Miscellaneous

Refer to Appendix D for Current Fee and Fine Schedule.

Section 1107.0
HEALTH AND SAFETY

The requirements for sanitation, health and safety shall be adopted and in compliance with the Division of Environmental Health, Department of Public Health and Social Services' applicable mandates and rules and regulations pertaining to child care facilities.

Section 1108.0
DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

The Department may, without warning, notice, or hearing, deny, suspend or revoke any License to operate a child care facility under the provisions of §2408 of the Child Welfare Services Act (Title 10 GCA, Chapter 2 Article 4) or upon a substantial or serious violation, which affects the health and safety of children in care, by a child care facility or by any of its employees for a serious violation under these rules and regulations, any substantiated charge of child abuse or neglect, or any environmental health violation under Title 10 of the Guam Code Annotated, Chapters 20 through 40 and those applicable rules and regulations, or if the operation of the child care facility otherwise constitutes a substantial hazard to public health.

Whenever a License is suspended, a provisional license will be issued for continued operation.

The child care facility must submit a corrective action plan within the prescribed time frame for a center to come into compliance. When the center submits documentation or it can otherwise be verified that the center is in compliance, the license will be upgraded from a provisional to a full license status.

Whenever a License is revoked, the child care operator shall immediately cease all operations.

The Licensee must provide its roster of enrolled children and emergency contact numbers to the Department's inspector who shall ensure that all measures are taken to contact the parents/guardians of all the children to be picked up.

Section 1108.1
RIGHT TO APPEAL

Any center receiving a notice indicating that the Department has initiated an action to deny, suspend, or revoke the license will be informed of its right to appeal and the procedures to file an appeal. The procedures follow the requirements outlined in the Department's administrative rules governing appeals. A center affected by an adverse action may initiate an appeal by means of a written request to the Department within fifteen (15) working days after being served personally, registered mail, or leaving a copy of the notice at the place of residence or business. Failure to request within the timeframe will constitute a waiver of right to a hearing.

Section 1109.0
HEARING

§1109.1 General.

(a) Whenever a License is to be denied, suspended, or revoked, the Licensee shall be notified in writing that the License, is, upon service of the Notice of Violation, immediately denied, suspended, or revoked and that an opportunity for hearing will be provided. An opportunity for hearing will also be provided upon service of the Notice of Violation for an administrative penalty.

(d) Hearings will be authorized if a written request for hearing is filed with the Division of Public Welfare (Attention: Bureau of Social Services Administration), Department of Public Health and Social Services by the Licensee within fifteen (15) working days of receipt of the notice. The written request shall state the grounds for objecting to the administrative penalty or intended denial, suspension, or revocation. If no written request for hearing is filed within fifteen (15) working days of receipt of the notice, the Department's punitive action is sustained as noted in the Notice of Violation.

(e) Upon completion of a hearing, the Director shall make a written determination concerning the violation and whether the administrative penalty or a denial, suspension, or revocation of the License is to be upheld.

(f) The hearings provided for in these rules and regulations shall be conducted in

1 accordance with the Administrative Adjudication Law (Title 5 GCA, Chapter 9). Any oral
2 testimony given at a hearing shall be reported verbatim, and the presiding officer shall make
3 provisions for sufficient copies of the transcript. The Director shall make a final finding based
4 upon the complete hearing record and shall sustain, modify, or rescind any notice or order
5 considered in the hearing. A written report of the hearing decision shall be furnished to the
6 Licensee.

7
8
9 **Section 1110.0**
10 **SERVING OF NOTICES**
11

12 A notice provided for in these rules and regulations is properly served when it is delivered to the
13 Licensee or to the person in charge of the child care facility, or when it is sent by registered or
14 certified mail, return receipt requested to the last known address of the Licensee. A copy of the
15 notice shall be filed in the records of the Bureau of Social Services Administration, Division of
16 Public Welfare, Department of Public Health and Social Services.

17
18 **Section 1111.0**
19 **PENALTIES**
20

21 **§1111.1 General.** The Government Code of Guam, Section 9120.12 specifies penalties
22 for violation of the Child Welfare Services Act (Title 10 GCA, Chapter 2, Article 4).
23

24 **§1111.2 Administrative Penalties.**

25 (a) The Director shall impose a fine for any child care facility that violates any
26 section of these rules and regulations. The monetary fine for the administrative violation shall be
27 imposed consistent with the Fine schedule prescribed by the Department. See Appendix C for
28 Current Fee and Fine Schedule.
29
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Section 1112.0

RECORDS OPEN TO THE PUBLIC

§1112.1 Public Documents.

(a) The Department's licensing records are considered open records and are available to the public.

(b) Requests for records are conducted by the Department in conformance with the guidelines of the Sunshine Reform Act of 1999 (Title 5 GCA, Chapter 10, Article 1).

(c) Exceptions are:

(1) The name and identifying information about a reporter of alleged violation of the Laws, Rules and Regulations or people who make allegations during an investigation unrelated to the original report;

(2) Information identifying children's names;

(3) Criminal history information;

(4) Reports and records received from other agencies including police, court clearances and child protection reports;

(5) Certain confidential information from other agencies;

(6) Personal references requested by the Department;

(7) Scholastic records, health reports, physical, social or psychological;

(8) Information about pending court cases; and

(9) Information about an abuse or neglect investigation that has not been completed.

Section 1113.0

ORGANIZATION

§1113.1 General.

(a) Each Licensee which is a person, partnership, corporation, limited liability corporation, limited liability partnership, or association shall be organized according to its legal status as required by local law and applicable rules and regulations.

(b) There shall be an internal structure which provides for an appropriate governing authority which is:

(1) Responsible for the development and enforcement of operating policies, and procedures of child care staff employment, finances and the total organization of child care services; and

(2) Located so as to be familiar with, and accountable for, all aspects of the operation of the child care facility for and reasonably accessible to the licensing agency.

Section 1114.0
ADMINISTRATION

§ 1114.1 General

(a) Each child care facility shall have a written statement of operating policies and procedures which shall include, but is not limited to, the following:

- (1) Staff policies;
- (2) Job descriptions;
- (3) An organizational chart; and chain of command;
- (4) ages of children accepted;
- (5) maximum number of children permitted by License;
- (6) specific hours of day, night, holiday, and vacation operation;
- (7) information regarding meals, whether or not to be served;
- (8) type of child care services to be offered, school's philosophy, curriculum, and parent communication logs (i.e. children's progress, educational field trips, newsletters, daily logs);
- (9) admission requirements and enrollment procedures;
- (10) fees and plan for payment; including fees for different types of services and refund policy;
- (11) policy and plan for emergency medical care;
- (12) insurance coverage;
- (13) rules concerning personal belongings brought to the child care facility;

- (14) transportation arrangements;
- (15) parental permission for trips and related activities outside the child care facility;
- (16) fundraising campaigns;
- (17) exclusion of sick children; and
- (18) policy regarding admission of children with disabilities.

(b) Written policies shall be made available to the Department, staff members, and parents or guardians for whom care is being provided.

(c) Written Notification of Changes in the services shall be provided to the Department, staff members, and parents or guardians of the children enrolled in the child care facility, also indicating the effective date of change.

<p style="text-align: center;">Section 1115.0</p> <p style="text-align: center;">INFORMATION REQUIREMENTS</p>

§1115.1 General. The Licensee shall be responsible for obtaining and maintaining the information in the child care facility as required in this §1115.0 at all times.

The written policy shall include statements which address the following areas:

§1115.2 Information on Owner or Licensee. The following information shall be supplied to the Department:

(a) The business name, mailing and physical address, and telephone number of the child care facility;

(b) The name, business mailing and physical address, and business telephone number of the person(s) bearing the responsibility for the child care facility;

(c) The name, business mailing and physical address, and business telephone number of the person(s) having specific authority and responsibility for overall administration and the services offered;

(d) The name of the owner or sponsoring agency (privately owned, church or agency owned, etc.) of the child care facility; and

- (e) Other information as required by the Department.

§1115.3 Information on Current Staff Members.

(a) The following information shall be supplied to the Department for all staff members:

- (1) Name, date of birth, age, home address and telephone number;
- (2) Education and experience;
- (3) Health records;
- (4) Health Certificate(s);
- (5) Police and Criminal Court Clearance;
- (6) Child Abuse and Neglect Registry Clearance; and
- (7) Other information as requested by the Department.

(b) All practicum students or volunteers who serve twenty (20) or more hours per week shall be subject to the same requirements stated in §1115.4(a)

§1115.4 Information and Records on Each Child.

(a) Admission procedures shall require that sufficient information and instruction from the parents or guardians be furnished to enable the staff member to make decisions or act on behalf of the child.

(b) Prior to admission of a child to a child care facility, the Licensee shall obtain in writing from the child's parents or guardians the following information:

- (1) Completed application form for each child and copy of child's birth certificate;
- (2) The child's full legal name, birth date, current mailing and physical address, and preferred names;
- (3) The name and address of the parents or guardians who are legally responsible for the child;
- (4) Telephone numbers or instructions as to how the parents or guardians may be reached during the hours the child is in the child care facility;
- (5) The name, mailing and physical address, and telephone number of person(s) who shall assume responsibility for the child if for some reason the parents or

guardians cannot be reached immediately in an emergency;

(6) Name, clinic, and telephone number of child's physician;

(7) Written consent to call another physician, when deemed necessary;

(8) Written authorization for emergency care, including health insurance information;

(9) Child health report, that includes the child's immunization record, and other pertinent information regarding the health of the child (i.e. last physical examination report, TB test); and

(10) Other information as required by the Department.

(c) Disclosure of Information on Each Child.

(1) Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the Early Childhood Director or authorized staff members, unless the parents or guardians of the child submit a signed consent form granting written permission for the disclosure or when an emergency arises necessitating release of the information.

(2) The parents or guardians shall be informed in writing of the child care facility's policy regarding disclosure of information.

§1115.5 Information and Records on Child Care Facility. The following information and records shall be supplied and available to the Department upon request:

(a) Roster of children per age group enrolled;

(b) Daily attendance records by names of children and time in and out;

(c) Daily menu, if applicable;

(d) Daily schedule of activities; and

(e) Other information as required by the Department.

Section 1116.0

DISPLAY OF DOCUMENTS

§1116.1 General. The following documents shall be posted in a prominent and

conspicuous location as designated by the Director or the Director's authorized representative to be viewed by the public at all times in the child care facility:

- (a) License to Operate a Child Care Facility;
- (b) Sanitary Permit;
- (c) Copy of Health Certificates;
- (d) Daily Schedule;
- (e) Fire Evacuation Plan;
- (f) Fire Extinguisher Signs;
- (g) Earthquake Preparedness Procedures;
- (h) Exit Signs;
- (i) Daily Menu (If applicable);
- (j) Inspection reports conducted by the Department of Public Health & Social Services, Guam Fire Department, Department of Public Works, and Department of Land Management;
- (k) Grading Placards issued by the Division of Environmental Health;
- (l) Non-Smoking Signs;
- (m) First Aid Kit Signs;
- (n) Communicable Disease Prevention Poster; and
- (o) Emergency phone numbers, to include, but not limited to the fire department, police, emergency medical services and placed conspicuously next to all operating phone lines; and
- (p) Other emergency procedures established by the child care facility.

Section 1117.0

TRANSPORTATION PROVISIONS

When transportation is provided by a child care facility, children shall be protected by adequate supervision, safety precautions, and liability and medical insurance coverage as follows:

- (a) The vehicle and driver providing transportation shall be in compliance with all relevant motor vehicle and traffic laws.

(b) During any field trip or excursion operated or planned by the child care facility, the staff to child ratios as provided in §1121.1(a) shall apply.

(c) Children shall be instructed in safe transportation conduct as appropriate for age and stage of development.

(d) Infants, toddlers, and preschoolers transported in vehicles by staff members, either to and from the child care facility or for any program activities, shall be properly secured in an age and size appropriate child passenger restraint system, approved safety belts, or safety harnesses, which meets federal motor vehicle safety standards and in accordance with the manufacturer's operating instructions as mandated by Guam law.

(e) Children shall not be allowed to ride in the back of pick-up trucks, jeeps, or other open-air vehicles that are not fully enclosed.

(f) Children shall be supervised in any vehicle at all times.

Section 1118.0

COMMUNICATION WITH PARENTS AND EARLY CHILDHOOD PROVIDERS

§1118.1 General.

(a) Early childhood providers shall communicate and maintain an open door policy with parents or guardians not limited to the following information:

(1) Information and instructions related to the child; and

(2) Health, safety, child development, or behavior of the child to the parents or guardians promptly and directly.

(b) Parents or guardians are encouraged to notify the child care facility immediately of a concern which should be addressed immediately and expect feedback from the child care facility in a timely manner, no later than two (2) business days.

Section 1119.0
PARENTAL ACCESSIBILITY

During hours of operation, a child care facility shall allow access to parents or guardians having legal custody of a child in care to those areas of the child care facility that is licensed for child care. This is to allow parents or guardians the opportunity to observe their child and the operation of the child care facility. Access to a child care facility by parents or guardians does not have to be arranged in advance with the child care facility.

Section 1120.0
PROGRAM REQUIREMENTS

§1120.1 General

(a) Child care facilities shall implement developmentally appropriate practices. The Department has developed voluntary early learning guidelines that facilities may use as a guide in developing and/or adopting a developmentally appropriate curriculum. (Appendix B: The *Guam Early Learning Guidelines for Young Children Birth to 36 Months* and the *Guam Early Learning Guidelines for Young Children Ages Three to Five*).

(b) The program shall promote building positive relationships among children and adults to increase and/or maintain a sense of self-worth and responsibility to a community.

(c) The program shall implement a curriculum that is in harmony with goals that promote learning and development in the cognitive, social, emotional, language, aesthetic and physical areas.

(d) The program shall promote effective teaching strategies within its curriculum that reflect culture, language and developmental needs of children to increase learning and development.

(e) The program shall have in place, different assessments, formal or informal, that provide information on individual learning and development to ensure appropriate instruction, intervention, and/or evaluation that meet individual needs and program goals.

(f) The program shall promote health, safety, and nutrition where children and adults are protected from illness and harm.

(g) The program shall employ staff with the knowledge, skills, and abilities to foster children's learning and development and support families' needs and interests.

(h) The program shall build partnerships with families to support active involvement in their children's growth and development.

(i) The program shall connect with community resources to support program goals such as health, curriculum, transitions, diversity, and inclusion.

(j) The program shall have well-maintained indoor and outdoor physical environments that are appropriate, safe, and accessible.

(k) The program shall have well-managed policies and procedures promoting a system where children, families, and staff receive high-quality experiences.

(l) The Early Childhood Director shall seek authorization from the parent or guardian of a child who has an Individualized Family Service Plan or Individualized Education Plan to assist in meeting the developmental and educational needs of a child with a disability.

Section 1121.0
STAFF TO CHILD RATIO

§1121.1 General.

(a) The number of children per staff member shall not exceed:

Number of Children (Per Staff Member)	Age of Child
Four (4) children	Twelve (12) months of age or less
Six (6) children	Thirteen (13) to twenty-four (24) months of age
Eight (8) children	Twenty-five (25) to Thirty-six (36) months of age
Twelve (12) children	Over three (3) to four (4) years of age;
Eighteen (18) children	Over four (4) to five (5) years of age; and
Twenty (20) children	Over age five (5) and up

(b) Other hired staff who do not provide care and education to children shall not be counted under the staff to child ratio (i.e. cooks, maintenance, and housekeeping).

(c) Early Childhood Directors are not counted in the child staff ratio when not providing direct child care service.

(d) No child shall be left without adult supervision at any time. Staff to child ratio shall be maintained during all hours of operation. Staff shall be within sight and sound of each child in the child care facility at all times. Staff who provides and education to children shall not engage in other activities while performing their regular duties, unless used for educational purposes (e.g. light housekeeping duties).

(e) During nap time, at least one staff shall be physically present in the same space as the children's sleeping area. Other adults who are included in the staff to child ratio do not need to be present in the same space as the children's sleeping area; however, in case of emergency, the additional staff must be readily available to assist immediately.

(f) There shall be provisions made for change in staff during different shifts so that staff to child ratios is maintained.

§1121.2 Existing Child Care Facilities. All existing child care facilities currently in operation shall be required to come into compliance with this §1121.1 within one (1) year of the effective date of these rules and regulations.

Section 1122.0

ADMISSIONS

§1122.1 General.

(a) The child care facility shall require a completed application with at least one (1) parent's or guardian's signature for each child to be kept on file to include the following information:

- (1) Child's name;
- (2) Child's date of birth;
- (3) Child's residential address;

- (4) Child's ethnic background;
- (5) Child's primary language spoken at home;
- (6) Name of parents or guardians;
- (7) Current home address of parents or guardians, if different from child's;
- (8) Current home telephone number;
- (9) The name of parents' or guardians' current place of employment, address and phone number;
- (10) Current name, address and telephone number of three (3) persons to be contacted in case of emergency if unable to reach parents or guardians;
- (11) Plan for health care in case of an emergency (i.e. insurance provider, insurance number, doctor);
- (12) Authorization for medical treatment in case of an emergency when parent or guardian can not be contacted;
- (13) Date of enrollment in child care facility;
- (14) Current physical examination signed by child's physician indicating up-to-date immunizations, disabling conditions, allergies and other pertinent health information;
- (15) Eating and sleeping habits;
- (16) Toileting habits;
- (17) Allergies;
- (18) Fears and preferences;
- (19) Permission to administer medications, indicating frequency and dosage must be submitted in writing by parents/guardians; and
- (b) The child care facility shall require a report of a current physical examination of each child by a licensed physician. Such examination shall be current within twelve (12) months prior to admission.
- (c) The child care facility shall require updated immunization records of each child.
- (d) The child care facility shall require a copy of each child's birth certificate.
- (e) The child care facility shall require at least one (1) parent or guardian to provide pertinent information on the child and the child's overall behavior.
- (f) The child care facility shall conduct a personal interview with the parent or guardian to verify pertinent information provided on the child and to acquaint the parent or

guardian with the child care facility's policies and procedures.

(g) Each child care facility shall secure written permission from at least one (1) parent or guardian before taking children on excursions out of the facility.

(h) The child care facility shall require a "Parent/Guardian Authorization Form to Pick-Up Child" for each child and keep it current and on file.

(i) Information pertaining to an individual child or parents or guardians of the child shall not be disclosed to persons other than the Early Childhood Director or authorized staff members, unless the parents or guardians of the child submit a signed consent form granting written permission for the disclosure or when an emergency arises necessitating release of the information.

Section 1123.0

HEALTH OF CHILDREN

§1123.1 General.

(a) Operators of child care facilities shall provide appropriate care to help the child grow and develop physically, mentally, socially, emotionally, and spiritually at his or her own pace, ensuring the child's overall welfare.

(b) Written medical reports and health information shall be on file for each child, including a report of an annual physical examination, immunization records, pertinent information regarding any particular health problems, or any specific instructions regarding care or feeding for the child. These records shall be kept confidential and information provided only to the Child Care Director or the Child Care Director's authorized representatives operating the facility or other staff with a need to know, in the event of an emergency or other staff with the written consent of the parents.

(c) Conditional admissions may be granted provided that the following conditions are met:

(1) The date of each appointment and name of the physician or health institution providing the physical examination must be placed in the child's health folder; and

(2) Proof of medical examination and/or administration of medical services are provided to the child care facility.

(3) Failure to complete the immunizations and clearances within one (1) month of enrollment shall result in the expulsion of the child until such time as the child is in compliance.

§1123.2 Illness and Communicable Disease Control.

(a) A daily health screening and inspection shall be conducted on each child as soon as possible after the child enters the child care facility and whenever a change occurs while that child is in care. Information on each child shall be gathered by completing the health screening and inspection, by inquiring with the child's parents, and when possible, through a conversation with the child. A written record of any and all concerns shall be documented in writing. The health screening and inspection shall address:

(1) Changes in behavior (such as lethargy or drowsiness) or appearance from behaviors observed during the previous day's attendance;

(2) Skin rashes, itchy skin, itchy scalp, or (during a lice outbreak) nits;

(3) If there is a change in the child's behavior or appearance, elevated body temperature, determined by taking the child's temperature;

(4) Complaints of pain or of not feeling well;

(5) Other signs or symptoms of illness (such as drainage from eyes, vomiting, diarrhea, etc.)

(6) Reported illness or injury in child since last date of attendance.

(b) **Isolation Area.** Each child care facility shall have a designated isolation area for a child who becomes ill at the facility. Such area shall be adequately ventilated and equipped with a bed, mat, or cot and materials that can be easily sanitized. Linens and disposables shall be changed after each use with used linens and disposables contained in a closed container in the isolation area until it can be cleaned or disposed of properly.

(c) Any children showing signs of infectious illness must be sent to the isolation area to be kept separate and apart from the other children. The parent or guardian must be notified immediately to arrange alternative measures for the child's care. A staff member shall stay with the child at all times. The Early Childhood Director shall ensure that the staff to child ratio is in

1 compliance at all times.

2 (d) The rules and regulations of the Department on communicable diseases shall be
3 followed where children show symptoms of communicable diseases. The child care facility shall
4 post a Communicable Disease placard subject to the provisions of §2414 of Title 10 GCA,
5 Chapter 2, Article 4 on communicable diseases.

6 (e) Children who have been determined to have an infectious illness or
7 communicable disease shall not return to the child care facility without medical authorization, or
8 until the signs and symptoms of the disease are no longer present.

9 (f) A child may be excluded from the child care facility (i.e. sent home) as soon as
10 possible if the child exhibits any condition or illness as listed in the current communicable
11 disease report or illnesses as recommended and listed in guidelines developed by the American
12 Academy of Pediatrics for exclusion of children from the child care facility. (www.aap.or) [Full
13 Caring for Our Children document available for download at
14 <http://nrc.uchsc.edu/CFOC/PDFVersion/list.html>]
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16 **§1123.3 Immunizations.**

17 (a) All children attending a child care facility shall receive immunizations according
18 to the Department's requirements in conformity with the Advisory Committee on Immunization
19 Practices (ACIP), U.S. Center for Disease Control (CDC), Department of Human Services, and
20 the American Academy of Pediatrics (AAP), unless excluded from the immunization
21 requirements due to religious exemptions (as approved by the Department) or medical
22 contraindications (as certified by a Guam licensed medical physician). (See Appendix D for
23 Recommended Immunization Schedules)

24 (b) Exemption from immunization for religious belief shall be documented by a
25 written, signed and dated statement from the child's parent or guardian, that such vaccination or
26 immunization would be against their religious belief and would not constitute a contagious
27 health risk for the public at large, as certified by the Director. (P.L. 24-154, §3322.a.)

28 (c) Exemption from immunization for any medical reason shall be documented by a
29 written, signed, and dated statement by a Guam licensed medical physician, that said child
30 should be exempt from this section where such medical contraindication to his or her receiving a
31 specific vaccine exists. (P.L. 24-154, §3322.a.) The child care facility has the right to exclude

children who do not meet the immunization requirements as stated under §1123.3 (a).

(d) Original statements (not copies) shall be kept in the child's record at the Bureau of Communicable Disease Control of the Department for compliance purposes. A copy of the certificate for medical and religious exemptions shall be included in the child's record in the center.

(e) Child care facilities shall require parents or guardians to ensure their children receive all follow-up immunizations needed to complete the recommended series. A copy of the immunization records shall be filed in the child's record at the Bureau of Communicable Disease Control of the Department.

(f) Parents or guardians shall be given a grace period, not to exceed thirty (30) calendar days, to obtain required immunization(s) in the recommended series.

§1123.4 Testing for Tuberculosis

No child shall be permitted to attend a child care facility unless they have on file with the Director of the child care facility a report of a Tuberculosis (TB) Skin Test result.

(a) If the child entering from the United States or its states or its territories, such test must have been conducted within one year prior to enrollment. If the child is entering from an area other than the United States or its states or territories, such test must have been conducted within six (6) months prior to enrollment.

(b) If a student had had a positive TB Skin Test, a Certificate of TB Evaluation must be obtained from the Department. If this certificate indicates that the child is TB contagious, the child shall be permitted entrance to the child care facility only after he or she is certified as non contagious by the Department.

§1123.5 CPR and First Aid.

(a) **CPR.** At least two (2) staff involved in providing direct care and education of children shall complete certification requirements in pediatric first aid and safety and management of blocked airway and rescue breathing, including Cardio Pulmonary Resuscitation (CPR).

(b) **First aid kit.** At least one (1) first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times and wherever

children are in care, including field trips and outings away from the facility. A complete first aid kit must also be present in vehicles used in the transportation of children during field trips and outings away from the facility.

(1) Each kit shall be in a closed container and labeled "First Aid".

(2) The kits shall be accessible to the staff members at all times and kept out of the reach of children.

(3) Each first aid kit shall contain at a minimum:

(A) Liquid soap;

(B) Antiseptic liquid, spray or cream;

(C) Adhesive bandages of different sizes;

(D) Disposable nonporous gloves;

(E) Cotton balls or applicators;

(F) Sterile gauze pads and rolls;

(G) Bandage tape;

(H) Non-glass thermometer;

(I) Tweezers;

(J) Pre-Moistened wipes;

(K) Hand cleaner for staff;

(L) Plastic bag for cloths and other materials used in handling blood;

(M) Scissors; and

(N) A resource guide on CPR and first aid procedures.

§1123.6 Medication. No medication shall be given without the signed consent of a parent and prescription drugs shall be given only when prescribed for a child by a licensed physician.

(a) Prescription and non-prescription medication brought to the child care facility by the parent or guardian shall:

(1) Be in the original container;

(2) Be properly labeled;

(3) Be dispensed according to written directions on the prescription label or printed manufacturer's label;

(4) Be stored separately and locked or placed out of children's reach; and

(5) Be stored at proper temperature as required by the manufacturer.

(b) Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions.

(c) For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has prior written authorization from the parent or guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or guardian must be notified on the day of occurrence.

(d) If the parent or guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file and must be shared with staff and must be posted with stored medication.

(e) Any medication administered by any staff of the child care facility shall be documented and recorded in a Medication Administration Log.

§1123.7 Food and Nutrition.

(a) Food and Nutrition Policies and Plans

(1) The facility shall have a food handling, feeding, and nutrition plan that addresses the following items and delegates responsibility for each:

- a. Food handling, preparation, and service;
- b. Staffing;
- c. Nutrition education for parents, staff, and children.

(b) Meals Prepared and/or Served On-Site.

(1) A child care facility that prepares and cooks meals for children shall provide adequate nutritious food appropriate to the age of the child at normal meal time intervals, and shall follow the U.S. Department of Agriculture's (U.S.D.A.) Food and Nutrition Guidelines and Food Guide Pyramid for Young Children (Appendix E) based on the latest recommendations adopted by U.S.D.A. For current and updated information on nutrition guidelines recommended by the U.S.D.A., please refer to their website at www.usda.gov.

(2) Meal and snack menus shall be planned, written and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in

a conspicuous area easily accessible to parents or guardians. Any menu substitution shall be noted on the menu.

(c) A child care facility where parents or guardians provide meals for their children should promote an understanding of the importance of nutritious meals and snacks as recommended by the U.S.D.A. Food and Nutrition Guidelines. (Appendix F)

(d) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the parent or guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in a conspicuous location in the kitchen area to serve as a reminder for staff members.

(e) **Food Service.**

(1) Children shall be supervised during all meal times. All food shall be served in individual containers for each child.

(2) Infants shall be fed by a staff member and at no time shall propped bottles be permitted when feeding infants. There shall be no automatic feeding devices unless medically prescribed. All bottles shall be individually labeled with the child's name.

(3) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(4) Child care facilities shall provide sufficient seating so that children are seated at tables for meals.

(5) Food shall not be used as a reward or punishment.

Section 1124.0

NON-DISCRIMINATION

§1124.1 General. A child care facility shall not discriminate against any person on the ground of race, color, national origin, age, sex, religion or disability in admission to, participation in, or receipt of the services and benefits of any of its programs and activities or in employment. Furthermore, a child care facility shall not deny or provide for the access and

accommodation of persons with disabilities in compliance with the Americans with Disabilities Act of 1990 (Title 42 United States Code, Section 12101). Child care facilities shall also conform to any local laws and applicable rules and regulations governing persons with disabilities.

Section 1125.0

MATERIALS AND EQUIPMENT

§1125.1 General.

(a) The selection, quantity, arrangement and use of available materials and equipment shall be age-appropriate, durable, meet recommendations of the U.S. Consumer Product Safety Commission (CPSC), including the CPSC *Handbook for Public Playground Safety* (Appendix F), meet recommendations from the Americans with Disabilities Act (ADA) for all children, including children with special needs.

(b) The materials and equipment shall:

(1) Provide opportunities for indoor and outdoor play, exploration, expression, experimentation and discovery;

(2) Provide opportunities for learning concepts and skills in different developmental domains;

(3) Represent the diversity of children, families, culture, age, gender, language and abilities;

(4) Provide safe, but challenging learning opportunities where problem solving is practiced; and

(5) Support curriculum, meet goals and objectives of program, and foster desired outcomes for children.

§1125.2 Storage Spaces.

(a) Storage spaces for individual storage of children's clothing and personal belongings shall be available and labeled;

(b) Storage spaces for accessible play materials and equipment used by the children

shall be available; and

(c) Storage spaces for other equipment, materials, and supplies used by staff shall be available but secure and out of children's reach.

§1125.3 Sleeping Equipment and Bedding. The following sleeping equipment shall be safe, sturdy, clean, age-appropriate and available:

(a) Individual bed, cot, crib, sleeping bag, mat, or pad, for each child who rests; and

(b) A clean sheet or cover to be used on the sleeping equipment for each child.

<p>Section 1126.0</p> <p>PERSONNEL</p>
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§1126.1 General.

(a) There shall be sufficient number of qualified staff to carry out the program of the child care facility at all times.

(b) Child care facilities shall develop and record policies pertaining to personnel practices.

§1126.2 Requirements of Staff Members. Each staff member shall be qualified through training, experience, skills, and education, as indicated in the Guam's Plan for Professional Development. (Appendix A)

(a) Educational requirements of staff shall be as follows: (as referenced in the Guam's Plan for Professional Development):

a. By 2013, twenty-five percent (25%) of early childhood providers employed by the child care facility shall meet the requirements of an Level 2 Early Childhood Lead Provider;

(b) All staff members should have a physical examination from a licensed physician indicating that the individual is in good health, free from highly contagious diseases and any disability which would limit his/her ability to adequately care for children. This physical examination report shall be renewed annually and shall be kept on file in the facility.

(c) All staff members should have a valid Health Certificate pursuant to Title 10 GCA Chapter 22 and applicable rules and regulations. These documents shall be renewed annually with copies prominently posted in the facility as required. Each staff member must comply with having their Health Certificate on their person at all times while working as required by applicable rules and regulations.

(d) Operators of child care facilities must obtain a valid Sanitary Permit pursuant to Title 10 GCA Chapter 21 and applicable rules and regulations. This permit shall be renewed annually, and prominently posted in the facility as required.

(e) The Early Childhood Director shall provide and make available information on workshops, seminars, training sessions or courses available to all staff members to encourage staff growth and development.

(1) Training topics should include, but is not limited to, one or more of the following topical/competency areas (as referenced in Guam's Plan for Professional Development):

- (A) Child Development Theory and Practical Application;
- (B) Healthy and Safe Environments;
- (C) Adaptations and Modifications;
- (D) Working with Families;
- (E) Observation and Assessment; and
- (F) Professional Conduct and Ethics.

(b) Volunteers and Practicum Students, who serve more than twenty (20) hours a week, are required to have a valid Health Certificate and physical examination prior to providing services.

(c) Licensees shall be responsible for ensuring that their staff members are free of serious emotional problems which limit their ability to care for children and that they demonstrate evidence of the ability to deal effectively with practical problems of daily living and of child care.

(d) All staff members shall be of reputable and responsible character and shall not have a criminal history record, employment history or background which poses a risk to children in care such as the following:

- (1) Conviction of a crime involving violence, alcohol or drug abuse, sex

1 offense, offense involving children and any other conviction, the circumstances of which
2 indicate that the applicant or employee may pose a danger to children;

3 (2) Type of criminal offense, when it occurred, and evidence of rehabilitation
4 may be considered in determining whether the criminal history record poses a risk to the
5 health, safety or well-being of children in care;

6 (3) An employment history indicating violence, alcohol or drug abuse and any
7 other violation of employer rule or policy, the circumstances of which indicate that the
8 applicant or employee may pose a danger to children; and

9 (4) A documented history of an individual who was found to be in non-
10 compliance and violation of licensing laws, rules and regulations and failed to conform to
11 standards.

12 (5) Background information which shows that the individual has been
13 identified as the substantiated perpetrator of child abuse or neglect.

14 (e) Staff members directly responsible for the care and education of children shall
15 have the following minimum qualifications:

16 (1) Be at least eighteen (18) years of age or older;

17 (2) Complete requirements for a Level 1 Initial Early Childhood Provider
18 within 12 months of employment as indicated in the Guam's Plan for Professional
19 Development; and

20 (f) Staff members shall demonstrate the:

21 (1) Capacity to perform the duties required for the care and education of the
22 children.

23 (2) Ability to respect the individual child's uniqueness and level of adjustment
24 into the child care facility.

25 (3) Staff members must demonstrate the ability to work positively with
26 children, co-workers and parents, and deal effectively with practical problems of daily
27 living.

28 (4) The child care facility complies with the reporting and clearance
29 requirements for such staff members prior to employment to the Division; and

30 (5) The staff member obtains the training no later than 12 months from the
31 initial date of hire (or at the earliest schedule possible).

Section 1127.0
REPORTING CHILD ABUSE AND NEGLECT

§1127.1 General.

(a) Pursuant to the Child Abuse and Neglect Reporting Act-(Title 19 GCA, Chapter 13, Article 2 §13201), a person required to report suspected child abuse or neglect is defined as: “Any person who in the course of his or her employment, occupation, or practice of his or her profession, comes into contact with children. Such persons shall report when they have reason to suspect on the basis of their medical, professional, or other training and experience that a child is an abused or neglected child.”

(b) No person may claim “privileged communication” as a basis for his or her neglect or failure to report suspected child abuse or neglect or to provide Child Protective Services Section of the Bureau of Social Services Administration under the Division of the Department or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect and providing information to the Department.

(c) The child care facility shall require each staff member to be knowledgeable and informed of their individual mandatory responsibility to report all incidents of child abuse or neglect to the Division’s Child Protective Services Section accordingly.

(d) At the time of admission, the child care facility shall provide to the child’s parent or guardian information that explains how to report suspected child abuse or neglect and that the facility is mandated to report any suspected child abuse or neglect to the proper authorities.

Section 1128.0
REPORTING LICENSING COMPLAINTS

The child care facility shall provide written information detailing the steps to report any licensing, health, and safety violations against a child care facility at the time of admission, to the child’s parent or guardian and to potential staff members prior to recruitment. The information must include the name, mailing address, and telephone numbers of the Division’s Child Licensing

Program.

<p>Section 1129.0</p> <p>CHILD CARE CENTER</p>
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§1129.1 Applicability. The provisions of Sections 1102.0 to 1130.0 shall apply to all child care centers.

§1129.2 Responsibilities and Qualifications for Early Childhood Director.

(a) Responsibilities of Early Childhood Director.

(1) There shall be a responsible Early Childhood Director, or their designee, in charge of the child care center at all times during hours of operation. To be in charge means that the responsible person is on the premises, available to staff, parents or guardians, and children. It precludes outside employment which interferes with these duties.

(2) The Early Childhood Director shall not be a full-time teacher or early childhood provider.

(3) The Early Childhood Director shall be responsible for the overall administration of the child care center's policies and procedures.

(5) When the Early Childhood Director is required to be absent temporarily from the child care facility, arrangements shall be made for the Early Childhood Assistant Director or a staff who is at least 21 years of age and meets the requirements of no less than an Early Childhood Lead Provider, to act as a substitute for a maximum of one month. After one month, the Early Childhood Director shall hire an Acting Director if prolonged absence is necessary.

(b) Qualifications of Early Childhood Director. The qualifications for the Early Childhood Director shall be as follows:

(1) The Early Childhood Director shall be at least twenty-one (21) years of age.

(2) The Early Childhood Director shall have education and experience which will provide the knowledge, skills, and attributes and qualities necessary to carry out an effective program of quality child care set forth to these Laws, Rules and Regulations.

(3) The minimum education and training requirements for a Level 3 Early

Childhood Master Provider/Early Childhood Director as indicated in the Guam's Plan for Professional Development. (See Appendix A)

§1129.3 Responsibilities and Qualifications of Early Childhood Assistant Director.

(a) **Responsibilities of Early Childhood Assistant Director.** The Early Childhood Assistant Director shall be responsible and works with or alongside the Early Childhood Director to carry out the program of the center under the guidance of the Early Childhood Director.

(b) **Qualifications of Early Childhood Assistant Director.** The Early Childhood Assistant Director shall be meet the same minimum education and training requirements as an Early Childhood Director as stated in §1130.2 (b)(3)

(1) The Early Childhood Assistant Director shall be at least twenty-one (21) years of age.

Section 1130.0

GROUP CHILD CARE HOMES

§1130.1 Applicability. The provisions of Sections 1102.0 to 1130.0 shall apply to all group child care homes.

§1130.2 Requirements for Group Child Care Home Providers. The requirements for group child care home providers shall be as follows:

(a) Demonstrate and maintain the capacity to perform the duties required for the care and education of the children.

(b) Demonstrate and maintain the ability to respect the individual child's uniqueness and level of adjustment.

(c) Demonstrate and maintain the ability to work harmoniously with parents and other co-workers.

(d) Demonstrate and maintain an understanding of developmentally appropriate practices in early childhood education.

§1130.3 Qualifications of Group Child Care Home Providers. The qualifications for the group child care home providers shall be as follows:

(a) Child care providers shall be free of serious emotional problems that interfere with their ability to care for children and must demonstrate evidence of ability to deal effectively with practical problems of daily living, child care, and work positively with children, co-workers and parents.

(b) Child care providers shall have the following minimum qualifications:

(1) Be at least 21 years of age or older (each additional provider in a Group Child Care Home shall be at least 18 years of age);

(2) Receive 15 hours of annual training in the areas of, but not limited to, Health, Safety, Nutrition, and Child Development; and

(3) Maintain Certification in Pediatric CPR and Pediatric First Aid.

(c) Child care providers in contact with the children must have a physical examination from a licensed physician indicating that the individual is in good health and free from highly contagious diseases and any disability which would limit his/her ability to care for children. This physical examination report shall be renewed annually and shall be kept on file in the facility.

(d) Child care providers should have a physical examination and a valid health certificate pursuant to Title 10 GCA Chapter 22 and applicable rules and regulations. These documents shall be renewed annually and kept on file and/or prominently posted in the facility as required.

(e) Child Care Providers, and all other adult members in the home, shall obtain a Police Clearance, Criminal Court Clearance listing the types of criminal convictions, if any, and Clearance from the Child Abuse and Neglect and Sex Offender Registries.

Section 1131.0
SEPARABILITY

If any phrases, clauses, sentence, section, subsection, provision or part of these rules and regulations or its applicability to any person or circumstance, if for any reason is held to be

unconstitutional or invalid, the remaining portions of these rules and regulations, or the application of these rules and regulations to other persons or circumstances shall not be affected.

Section 1132.0

REVIEW

The Department shall review and update these regulations as needed, but in no event longer than 3 years after the date of the promulgation of these Rules and Regulations.